



Town of Hermon

Public Safety Meeting Room

March 21, 2019

Special Town Council Meeting

7:00 PM

MINUTES

Council Meetings may be viewed live online and are archived after the meeting
has taken place – check hermon.net for link.

ALL ITEMS ARE SUBJECT TO APPROPRIATE COUNCIL ACTION

I. CALL TO ORDER BY CHAIRPERSON

II. PLEDGE OF ALLEGIANCE

Chair McCluskey led those in attendance in the Pledge of Allegiance

III. ROLL CALL

Members Present: Douglas Sinclair Sr., Steven Watson, John Snyder, Donna Ellis, Steven Thomas, Jeanne Jacques, and Timothy McCluskey

Members Absent: None

Others Present: Town Manager Howard Kroll, Town Clerk Kristen Cushman, Scott Perkins, Ralph Shaw, Mr. & Mrs. Snyder, Ted McLeod, Jeff Byers, James Gallant, Randy Gardner, Tim Richardson Jr., and three residents.

**IV. REVIEW CONSENT CALENDAR: REGULAR BUSINESS, APPOINTMENTS, SIGNATURES,
And APPROVAL OF MINUTES:**

MINUTES. -APPROVE 3/14/2019 Minutes

WARRANTS. -SIGN 3/22/2019

RESOLVES. -SIGN

Councilor Sinclair moved to approve the Consent Calendar as presented. Councilor Snyder seconded the motion. Motion passes 7-0.



V. NEWS, PRESENTATIONS AND RECOGNITIONS

VI. PUBLIC ITEMS OR COMMENTS (*Items Not Already on Agenda*)

VII. PUBLIC HEARINGS

VIII. COMMITTEE REPORTS

IX. SCHEDULED AGENDA ITEMS

A. OLD BUSINESS

Municipal road snow removal/plow contract for 5 years

Chair McCluskey stated what was voted on in the last meeting and not sure this is what we intended to do. I have included vote below from 3/14/2019 meeting:

R18-19-29 Consider awarding municipal road snow removal/plow contract for 5 years

An additional snowplowing/sidewalk bid were opened from D & D construction. Total for 5 years is \$2,216,298.00 for 69.25 miles of road. Loader option is \$11,000.00 per year. Written bid was received on 3/11/2019.

Councilor Snyder moved to reject all current bids and re-bid the snowplowing contract for 55 miles by a contractor and 15 miles to be done by Town of Hermon public works. Councilor Jacques seconded the motion. The motion was accepted. Motion passes 7-0.

Councilor Snyder moved to reconsider the motion from 3/14/2019 that rejected all current bids and to re-bid the snowplowing contract for 55 miles by a contractor and 15 miles to be done by Town of Hermon public works. Councilor Thomas seconded the motion. The motion was accepted. Motion passes 7-0.

Councilor McCluskey stated they would like to look at the bidders that put their bids in on time and within the parameters of the bid timeframe and met all the requirements of the bidding. Mr. McCluskey opened up he would like discussion on this and give Manager Kroll a direction to go in.

Councilor Thomas asked Howard Kroll how the bond process will work for the snowplow contract and protect the town going forward with the bids. Mr. Kroll gave an overview of how performance bonds work. Multiple year bond for X amount of dollars? Mr. Kroll stated this is possible but does not know the cost. According to our attorney this is possibility to cover the contract.



Randy Gardner came to the podium to explain a bond. Performance bond is not for the bid amount. If you hire a contractor for the amount of the contract, keeping in mind you have a 5 year bid, but an annual contract. Unless you are going to sign the contract for the full 5 year you are only going to get the bond to cover the annual amount. Performance bond is not like a payment bond that is based on dollar value. Performance bonds are basically an insurance policy that covers the fact the contractor is going to do the work. If the contractor defaults or does not do the work, then the town would find another way to complete the work. This could mean purchasing trucks, hiring trucks whatever would need to be done to complete the work. The cost of this then in theory is covered by the bonding company. In reality they are an insurance company. They are going to have an adjuster and they are going to fight and try not to pay. But in theory the price is covered by the bonding company. Bond can only be for the amount of the contract you can not ask for more.

Councilor McCluskey handed out a spreadsheet to councilors showing bid breakdown.

Councilor Thomas asked if the mileage went from 69 miles to 55 would the bids submitted still hold the same pricing? The following discussion:

Ted McLeod (TRT LLC): Due to the changes in the negotiations: Ted bid on 34.5 miles for one side of town and would like to now include the other side to now include 55.05 miles total, no charge for sidewalks or loader. TRT LLC bid to go back into consideration.

James Gallant (Bangor Lawn) Mr. Gallant asked for the bond to be added to his bid price. This is an additional \$8200.00 per year or \$41,000.00 for five years.

Randy Gardner (Gardner Construction): If bonds are being considered for Bangor Lawn then it needs to be considered for all bidders. Per Mr. Snyder (resident) and Randy Gardner: Randy Gardner would be exempt from the bond for Gardner Construction because he bid on 55 miles to begin with.

Councilor McCluskey asked for an informal polling from the councilors on how many miles they wish to bid out:

Jeanne Jacques: 55	John Snyder: 55
Tim McCluskey: 55	Donna Ellis: 55
Steve Watson: refuse all bids	Doug Sinclair: 35 & town take the rest
Steve Thomas: 55	

Donna Ellis: Are all the bidders interested to go to the 55 miles? Councilor McCluskey stated he had not asked everyone. Mr. Gardner and Mr. Gallant are the only ones that spoke in favor of the 55 miles. Councilor Ellis asked Mr. Gallant if the Town does not pay the bond are you still at the current price or changing your figures? Mr. Gallant stated it was a request to be considered not a requirement. So he would stay at the current figures if bond was not paid by the town.



Councilor Thomas moved to accept the low bid from Bangor Lawn & Landscaping and include \$8200.00 per year for bond to be paid by the Town of Hermon for 55 miles. Councilor Snver seconded the motion. The motion was accepted. Motion passes 5-2.

B. NEW BUSINESS

C. WORKSHOPS

D. OTHER ITEMS (from Table Package)

X. APPOINTMENTS

XI. MANAGER STATUS REPORT: None

XII. FINAL PUBLIC ITEMS OR COMMENT (*Items Not Already on Agenda*)

XIII. COUNCIL ITEMS:

XIV. EXECUTIVE SESSION:

Consider entering Executive Session to discuss a legal matter per 1 M.S.R.A. 405(6)(E)

Councilor McCluskey asked Howard Kroll if there was any reason for an Executive Session. Mr. Kroll stated there were no items to discuss. Councilor McCluskey stated we would not have an Executive Session tonight.

XV. ADJOURNMENT:

Councilor Ellis moved to adjourn the meeting at 7:38 PM. Councilor Jacques gave seconded. With no objection the meeting was adjourned at 7:38 PM.

Respectfully Submitted,

**Howard Kroll and Kristen Cushman
Town Manager and Town Clerk**

Explanatory note #1: All items in the CONSENT CALENDAR are considered routine and are proposed for adoption by the Town Council with one motion without DISCUSSION or deliberation. If DISCUSSION on any item is desired, any member of the Council or public may request the removal of an item for it to be placed in the regular agenda prior to the motion to approve the Consent Agenda.

Explanatory Note #2: In the interest of effect decision-making: At 10:00 p.m., the Chairman shall poll the Council and Town Manager to identify remaining items which shall be carried forward to the next Regular Meeting.

Explanatory Note #3: A Councilor who feels the need for the Council excusing his/her absence will make the request to the Town Manager or the Town Clerk prior to the meeting.